

AMENDED IN ASSEMBLY AUGUST 25, 2005

AMENDED IN SENATE MAY 19, 2005

AMENDED IN SENATE MAY 5, 2005

AMENDED IN SENATE APRIL 21, 2005

AMENDED IN SENATE APRIL 5, 2005

**SENATE BILL**

**No. 719**

**Introduced by Senators Romero and Margett  
(Principal coauthor: Senator Alquist)  
(Coauthor: Senator Aanestad)**

February 22, 2005

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An act to amend Section 13955 of the Government Code, to amend Section 13519.8 of the Penal Code, and to amend Sections 2800.1, 2800.2, 2800.3, ~~14602.1, and 17004.7 of, and~~ *and 14602.1 of*, to add Sections 1666.1 and 2911 to, *and to amend, repeal, and add Section 17004.7 of*, the Vehicle Code, relating to vehicles, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 719, as amended, Romero. Police pursuits.

(1) Existing law provides for compensation to crime victims, as specified, from the Restitution Fund, a continuously appropriated fund.

This bill would include as qualifying as a crime victim for those purposes, injury or death caused by any party where a peace officer is operating a motor vehicle in an effort to apprehend a suspect, and the suspect is evading, fleeing, or otherwise attempting to elude the peace officer.

By expanding the uses of a continuously appropriated fund, this bill would make an appropriation.

(2) Existing law requires the Commission on Peace Officer Standards and Training to implement a course or courses of instruction for the training of law enforcement officers in the handling of high-speed vehicle pursuits and to develop uniform, minimum guidelines for adoption by California law enforcement agencies for response to high-speed vehicle pursuits, as specified. Existing law expresses the intent of the Legislature that all local law enforcement agencies adopt those guidelines as a minimum for the agency's pursuit policy.

This bill, instead, would ~~require~~ *express the intent of the Legislature that* each law enforcement agency ~~to~~ adopt, promulgate, and require regular and periodic training consistent with an agency's specific pursuit policy that, at a minimum, complies with the commission's guidelines.

~~By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.~~

(3) Existing law specifies certain content for the California Driver's Handbook and examinations for a driver's license.

This bill would require the Department of Motor Vehicles, upon updating the handbook, to include at least one question in any of the ~~tests~~ *noncommercial driver's license examinations* of an applicant's knowledge and understanding to verify that the applicant has an understanding of the risks and punishments associated with eluding a pursuing peace officer's motor vehicle.

(4) Existing law makes it a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, for any person while operating a motor vehicle to intentionally evade and willfully flee or otherwise attempt to evade a pursuing peace officer's motor vehicle or bicycle under certain conditions.

This bill would make that offense a misdemeanor punishable by imprisonment in a county jail not exceeding one year. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

(5) Existing law makes it a misdemeanor punishable by imprisonment in a county jail for not more than one year, or a felony punishable by imprisonment in the state prison, or by a fine of not less than \$1,000 nor more than \$10,000, or by both the fine and

imprisonment for any person who commits the offense described in (4) above in a willful or wanton disregard for persons or property.

This bill instead would make this offense punishable by imprisonment in the state prison for ~~2, 3, or 4 years~~ *16 months, or 2 or 3 years*, or by imprisonment in a county jail for not more than one year with the same fine as prescribed above.

(6) Existing law makes it a misdemeanor punishable by confinement in a county jail for not more than one year or a felony punishable by imprisonment in the state prison for 3, 4, or 5 years or a specified fine for any person who commits the offense described in (4) above and proximately causes serious bodily injury, as defined, or death to any person.

This bill would increase the term of imprisonment in the state prison as follows:

(a) A term of 3, 5, or 7 years or the specified fine, or both the fine and imprisonment where the offense involves serious bodily injury.

(b) A term of 4, 6, or 10 years in the state prison where the offense involves a death.

(7) Existing law establishes the California Traffic Safety Program, to include state and local programs, as specified.

This bill would require all traffic safety programs that receive state funds and that include public awareness campaigns involving emergency vehicle operations to include in the public awareness campaign, information on the risks to public safety of peace officer motor vehicle pursuits, and the penalties that may result from evading a peace officer.

(8) Existing law requires each state and local law enforcement agency to report to the Department of the California Highway Patrol, on a form approved by the department, certain specific vehicle pursuit data, including, but not limited to, certain required data.

This bill instead would require the department to develop and approve a paper or electronic form that includes additional data, and would require that the report be made to the department no later than 30 days following a police pursuit, thereby imposing a state-mandated local program by increasing the level of services imposed on local law enforcement agencies.

The bill would additionally require the Department of the California Highway Patrol to submit annually to the Legislature a report regarding motor vehicle pursuits.

(9) Existing law provides that any public agency employing peace officers that adopts a written policy on vehicular pursuits *that meets certain minimum standards*, as specified, shall be immune from liability for civil damages for personal injury to or death of any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being has been, or believes he or she is being or has been pursued by a peace officer employed by the public entity in a motor vehicle. Existing law makes the adoption of a vehicle pursuit policy pursuant to these provisions discretionary.

~~This bill would require adoption, promulgation, and provision for regular and periodic training, as defined, pursuant to a vehicle pursuit policy, if a public agency employs peace officers to drive emergency vehicles and authorizes vehicle pursuits. The bill would revise the minimum standards required for a written policy for the safe conduct of motor vehicle pursuits. *These provisions would become operative on July 1, 2007.*~~

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares the  
2 following:

3 (a) Thousands of crime suspects flee each year often resulting  
4 in law enforcement officers in California engaging in motor  
5 vehicle pursuits. Many pursuits result in accidents, property  
6 damage, serious injuries, and death to innocent third parties,  
7 peace officers, and fleeing suspects.

1 (b) Motor vehicle pursuits of fleeing suspects present  
2 inescapable and inherent risks that sometimes offend public  
3 sensibilities.

4 (c) According to statistics from the National Highway Safety  
5 Administration, California has consistently led the nation in the  
6 past 20 years in fatalities from crashes involving these pursuits.

7 (d) California leads the nation in the number of innocent  
8 bystanders killed in these pursuits. A study by the National  
9 Highway Traffic Safety Administration indicates that in 2003  
10 there were 46 deaths in California that resulted from high speed  
11 police pursuits of fleeing suspects. Twelve of the 46 deaths were  
12 innocent bystanders. Eighteen were passengers in the pursued  
13 vehicle, 15 were fleeing suspects, and one was a peace officer.

14 (e) Pursuit driving is a dangerous activity that must be  
15 undertaken with due care and with the understanding of specific  
16 risks as well as the need for a realistic proportionate response to  
17 apprehend a fleeing suspect who poses a danger to the public.

18 (f) Current law provides that a person operating a motor  
19 vehicle who is negligent in its operation may be liable for civil  
20 damages pursuant to Section 17150 of the Vehicle Code.

21 (g) The primary function of all law enforcement agencies is to  
22 protect the public against personal injury, death, or property  
23 damage.

24 (h) It is, therefore, the intent of the Legislature to enact  
25 legislation that guides instances where law enforcement pursuits  
26 are warranted so as to protect the public safety, lives, and  
27 property of the people of the State of California.

28 (i) It is also the intent of the Legislature to decrease peace  
29 officer motor vehicle pursuits through public education,  
30 enforcement, and regular and periodic training of peace officers.

31 (j) It is also the intent of the Legislature in enacting this act to  
32 eliminate any unnecessary risks that evolve from peace officer  
33 motor vehicle pursuits, and to ensure that law enforcement  
34 pursuits are conducted in the safest and most effective approach  
35 throughout California.

36 SEC. 2. Section 13955 of the Government Code is amended  
37 to read:

38 13955. Except as provided in Section 13956, a person shall  
39 be eligible for compensation when all of the following  
40 requirements are met:

1 (a) The person for whom compensation is being sought is any  
2 of the following:

3 (1) A victim.

4 (2) A derivative victim.

5 (3) A person who is entitled to reimbursement for funeral,  
6 burial, or crime scene cleanup expenses pursuant to subdivision  
7 (i) of Section 13957.

8 (b) Either of the following conditions is met:

9 (1) The crime occurred within the State of California, whether  
10 or not the victim is a resident of the State of California. This  
11 paragraph shall apply only during those time periods during  
12 which the board determines that federal funds are available to the  
13 State of California for the compensation of victims of crime.

14 (2) Whether or not the crime occurred within the State of  
15 California, the victim was any of the following:

16 (A) A resident of the State of California.

17 (B) A member of the military stationed in California.

18 (C) A family member living with a member of the military  
19 stationed in California.

20 (c) If compensation is being sought for a derivative victim, the  
21 derivative victim is a resident of California, or resident of another  
22 state, who is any of the following:

23 (1) At the time of the crime was the parent, grandparent,  
24 sibling, spouse, child, or grandchild of the victim.

25 (2) At the time of the crime was living in the household of the  
26 victim.

27 (3) At the time of the crime was a person who had previously  
28 lived in the household of the victim for a period of not less than  
29 two years in a relationship substantially similar to a relationship  
30 listed in paragraph (1).

31 (4) Is another family member of the victim, including, but not  
32 limited to, the victim's fiancé or fiancée, and who witnessed the  
33 crime.

34 (5) Is the primary caretaker of a minor victim, but was not the  
35 primary caretaker at the time of the crime.

36 (d) The application is timely pursuant to Section 13953.

37 (e) (1) Except as provided in paragraph (2), the injury or  
38 death was a direct result of a crime.

39 (2) Notwithstanding paragraph (1), no act involving the  
40 operation of a motor vehicle, aircraft, or water vehicle that results

1 in injury or death constitutes a crime for the purposes of this  
2 chapter, except when the injury or death from such an act was  
3 any of the following:

4 (A) Intentionally inflicted through the use of a motor vehicle,  
5 aircraft, or water vehicle.

6 (B) Caused by a driver who fails to stop at the scene of an  
7 accident in violation of Section 20001 of the Vehicle Code.

8 (C) Caused by a person who is under the influence of any  
9 alcoholic beverage or drug.

10 (D) Caused by a driver of a motor vehicle in the immediate act  
11 of fleeing the scene of a crime in which he or she knowingly and  
12 willingly participated.

13 (E) Caused by a person who commits vehicular manslaughter  
14 in violation of subdivision (c) of Section 192 or Section 192.5 of  
15 the Penal Code.

16 (F) Caused by any party where a peace officer is operating a  
17 motor vehicle in an effort to apprehend a suspect, and the suspect  
18 is evading, fleeing, or otherwise attempting to elude the peace  
19 officer.

20 (f) As a direct result of the crime, the victim or derivative  
21 victim sustained one or more of the following:

22 (1) Physical injury. The board may presume a child who has  
23 been the witness of a crime of domestic violence has sustained  
24 physical injury. A child who resides in a home where a crime or  
25 crimes of domestic violence have occurred may be presumed by  
26 the board to have sustained physical injury, regardless of whether  
27 the child has witnessed the crime.

28 (2) Emotional injury and a threat of physical injury.

29 (3) Emotional injury, where the crime was a violation of any  
30 of the following provisions:

31 (A) Section 261, 262, 271, 273a, 273d, 285, 286, 288, 288a,  
32 288.5, or 289, or subdivision (b) or (c) of Section 311.4, of the  
33 Penal Code.

34 (B) Section 270 of the Penal Code, where the emotional injury  
35 was a result of conduct other than a failure to pay child support,  
36 and criminal charges were filed.

37 (C) Section 261.5 of the Penal Code, and criminal charges  
38 were filed.

39 (D) Section 278 or 278.5 of the Penal Code, where the  
40 deprivation of custody as described in those sections has endured

1 for 30 calendar days or more. For purposes of this paragraph, the  
2 child, and not the nonoffending parent or other caretaker, shall be  
3 deemed the victim.

4 (g) The injury or death has resulted or may result in pecuniary  
5 loss within the scope of compensation pursuant to Sections  
6 13957 to 13957.9, inclusive.

7 SEC. 3. Section 13519.8 of the Penal Code is amended to  
8 read:

9 13519.8. (a) (1) The commission shall implement a course  
10 or courses of instruction for the regular and periodic training of  
11 law enforcement officers in the handling of high-speed vehicle  
12 pursuits and shall also develop uniform, minimum guidelines for  
13 adoption and promulgation by California law enforcement  
14 agencies for response to high-speed vehicle pursuits. The  
15 guidelines and course of instruction shall stress the importance of  
16 vehicle safety and protecting the public at all times, include a  
17 regular assessment of law enforcement's vehicle pursuit policies,  
18 practices, and training, and recognize the need to balance the  
19 known offense and the need for immediate capture against the  
20 risks to officers and other citizens of a high-speed pursuit. These  
21 guidelines shall be a resource for each agency executive to use in  
22 the creation of a specific pursuit policy that the agency ~~shall is~~  
23 *encouraged to* adopt and promulgate, and that reflects the needs  
24 of the agency, the jurisdiction it serves, and the law.

25 (2) As used in this section, "law enforcement officer" includes  
26 any peace officer of a local police or sheriff's department or the  
27 California Highway Patrol, or of any other law enforcement  
28 agency authorized by law to conduct vehicular pursuits.

29 (b) The course or courses of basic training for law  
30 enforcement officers and the guidelines shall include adequate  
31 consideration of each of the following subjects:

- 32 (1) When to initiate a pursuit.
- 33 (2) The number of involved law enforcement units permitted.
- 34 (3) Responsibilities of primary and secondary law  
35 enforcement units.
- 36 (4) Driving tactics.
- 37 (5) Helicopter assistance.
- 38 (6) Communications.
- 39 (7) Capture of suspects.
- 40 (8) Termination of a pursuit.



1 (9) Supervisory responsibilities.

2 (10) Blocking, ramming, boxing, and roadblock procedures.

3 (11) Speed limits.

4 (12) Interjurisdictional considerations.

5 (13) Conditions of the vehicle, driver, roadway, weather, and  
6 traffic.

7 (14) Hazards to uninvolved bystanders or motorists.

8 (15) Reporting and postpursuit analysis.

9 (c) (1) All law enforcement officers who have received their  
10 basic training before January 1, 1995, shall participate in  
11 supplementary training on high-speed vehicle pursuits, as  
12 prescribed and certified by the commission.

13 (2) Law enforcement agencies—~~shall~~ *are encouraged to*  
14 include, as part of their advanced officer training program,  
15 periodic updates and training on high-speed vehicle pursuit. The  
16 commission shall assist where possible.

17 (d) (1) The course or courses of instruction, the learning and  
18 performance objectives, the standards for the training, and the  
19 guidelines shall be developed by the commission in consultation  
20 with appropriate groups and individuals having an interest and  
21 expertise in the field of high-speed vehicle pursuits. The groups  
22 and individuals shall include, but not be limited to, law  
23 enforcement agencies, police academy instructors, subject matter  
24 experts, and members of the public.

25 (2) The commission, in consultation with these groups and  
26 individuals, shall review existing training programs to determine  
27 the ways in which high-speed pursuit training may be included as  
28 part of ongoing programs.

29 ~~Each law enforcement agency shall~~ *It is the intent of the*  
30 *Legislature that each law enforcement agency* adopt, promulgate,  
31 and require regular and periodic training consistent with an  
32 agency's specific pursuit policy that, at a minimum, complies  
33 with the guidelines developed under subdivisions (a) and (b).

34 SEC. 4. Section 1666.1 is added to the Vehicle Code, to read:

35 1666.1. Upon updating the California Driver's Handbook, the  
36 department shall include at least one question in any of the ~~tests~~  
37 *noncommercial driver's license examinations*, as administered  
38 under Section 12804.9, of an applicant's knowledge and  
39 understanding of this code, to verify that the applicant has an

1 understanding of the risks and punishments associated with  
2 eluding a pursuing officer's motor vehicle.

3 SEC. 5. Section 2800.1 of the Vehicle Code is amended to  
4 read:

5 2800.1. (a) Any person who, while operating a motor vehicle  
6 and with the intent to evade, willfully flees or otherwise attempts  
7 to elude a pursuing peace officer's motor vehicle, is guilty of a  
8 misdemeanor punishable by imprisonment in a county jail for not  
9 more than one year if all of the following conditions exist:

10 (1) The peace officer's motor vehicle is exhibiting at least one  
11 lighted red lamp visible from the front and the person either sees  
12 or reasonably should have seen the lamp.

13 (2) The peace officer's motor vehicle is sounding a siren as  
14 may be reasonably necessary.

15 (3) The peace officer's motor vehicle is distinctively marked.

16 (4) The peace officer's motor vehicle is operated by a peace  
17 officer, as defined in Chapter 4.5 (commencing with Section 830)  
18 of Title 3 of Part 2 of the Penal Code, and that peace officer is  
19 wearing a distinctive uniform.

20 (b) Any person who, while operating a motor vehicle and with  
21 the intent to evade, willfully flees or otherwise attempts to elude  
22 a pursuing peace officer's bicycle, is guilty of a misdemeanor  
23 punishable by imprisonment in a county jail for not more than  
24 one year if the following conditions exist:

25 (1) The peace officer's bicycle is distinctively marked.

26 (2) The peace officer's bicycle is operated by a peace officer,  
27 as defined in paragraph (4) of subdivision (a), and that peace  
28 officer is wearing a distinctive uniform.

29 (3) The peace officer gives a verbal command to stop.

30 (4) The peace officer sounds a horn that produces a sound of at  
31 least 115 decibels.

32 (5) The peace officer gives a hand signal commanding the  
33 person to stop.

34 (6) The person is aware or reasonably should have been aware  
35 of the verbal command, horn, and hand signal, but refuses to  
36 comply with the command to stop.

37 SEC. 6. Section 2800.2 of the Vehicle Code is amended to  
38 read:

39 2800.2. (a) If a person flees or attempts to elude a pursuing  
40 peace officer in violation of Section 2800.1 and the pursued

vehicle is driven in a willful or wanton disregard for the safety of persons or property, the person driving the vehicle, upon conviction, shall be punished by imprisonment in the state prison for ~~two, three, or four years~~ *16 months, or two or three years*, or by imprisonment in the county jail for not less than six months nor more than one year. The court may also impose a fine of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000), or may impose both that imprisonment and fine.

(b) For the purposes of this section, a willful or wanton disregard for the safety of persons or property includes, but is not limited to, driving while fleeing or attempting to elude a pursuing peace officer during which time either three or more violations that are assigned a traffic violation point count under Section 12810 occur, or damage to property occurs.

SEC. 7. Section 2800.3 of the Vehicle Code is amended to read:

2800.3. (a) Whenever willful flight or attempt to elude a pursuing peace officer in violation of Section 2800.1 proximately causes serious bodily injury to any person, the person driving the pursued vehicle, upon conviction, shall be punished by imprisonment in the state prison for three, five, or seven years, by imprisonment in a county jail for not more than one year, or by a fine of not less than two thousand dollars (\$2,000) nor more than ten thousand dollars (\$10,000), or by both that fine and imprisonment.

(b) Whenever willful flight or attempt to elude a pursuing peace officer in violation of Section 2800.1 proximately causes death to a person, the person driving the pursued vehicle, upon conviction, shall be punished by imprisonment in the state prison for a term of 4, 6, or 10 years.

(c) Nothing in this section shall preclude the imposition of a greater sentence pursuant to Section 190 of the Penal Code or any other provisions of law applicable to punishment for an unlawful death.

(d) For the purposes of this section, “serious bodily injury” has the same meaning as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code.

SEC. 8. Section 2911 is added to the Vehicle Code, to read:

1 2911. All traffic safety programs that receive state funds and  
2 that include public awareness campaigns involving emergency  
3 vehicle operations shall include in the public awareness  
4 campaign, information on the risks to public safety of peace  
5 officer motor vehicle pursuits, and the penalties that may result  
6 from evading a peace officer.

7 SEC. 9. Section 14602.1 of the Vehicle Code is amended to  
8 read:

9 14602.1. (a) Every state and local law enforcement agency,  
10 including, but not limited to, city police departments and county  
11 sheriffs' offices, shall report to the Department of the California  
12 Highway Patrol, on a paper or electronic form developed and  
13 approved by the Department of the California Highway Patrol,  
14 all motor vehicle pursuit data.

15 (b) Effective January 1, 2006, the form shall require the  
16 reporting of all motor vehicle pursuit data, which shall include,  
17 but not be limited to, all of the following:

18 (1) Whether any person involved in a pursuit or a subsequent  
19 arrest was injured, specifying the nature of that injury. For all  
20 purposes of this section, the form shall differentiate between the  
21 suspect driver, a suspect passenger, and the peace officers  
22 involved.

23 (2) The violations that caused the pursuit to be initiated.

24 (3) The identity of the peace officers involved in the pursuit.

25 (4) The means or methods used to stop the suspect being  
26 pursued.

27 (5) All charges filed with the court by the district attorney.

28 (6) The conditions of the pursuit, including, but not limited to,  
29 all of the following:

30 (A) Duration.

31 (B) Mileage.

32 (C) Number of peace officers involved.

33 (D) Maximum number of law enforcement vehicles involved.

34 (E) Time of day.

35 (F) Weather conditions.

36 (G) Maximum speeds.

37 (7) Whether a pursuit resulted in a collision, and a resulting  
38 injury or fatality to an uninvolved third party, and the  
39 corresponding number of persons involved.

1 (8) Whether the pursuit involved multiple law enforcement  
2 agencies.

3 (9) How the pursuit was terminated.

4 (c) In order to minimize costs, the department, upon updating  
5 the form, shall update the corresponding database to include all  
6 of the reporting requirements specified in subdivision (b).

7 (d) All motor vehicle pursuit data obtained pursuant to  
8 subdivision (b) shall be submitted to the Department of the  
9 California Highway Patrol no later than 30 days following a  
10 motor vehicle pursuit.

11 (e) The Department of the California Highway Patrol shall  
12 submit annually to the Legislature a report that includes, but is  
13 not limited to, the following information:

14 (1) The number of motor vehicle pursuits reported to the  
15 Department of the California Highway Patrol during that year.

16 (2) The number of those motor vehicle pursuits that reportedly  
17 resulted in a collision in which an injury or fatality to an  
18 uninvolved third party occurred.

19 (3) The total number of uninvolved third parties who were  
20 injured or killed as a result of those collisions during that year.

21 ~~SEC. 10. Section 17004.7 of the Vehicle Code is amended to~~  
22 ~~read:~~

23 ~~17004.7. (a) The immunity provided by this section is in~~  
24 ~~addition to any other immunity provided by law. A public agency~~  
25 ~~that employs peace officers to drive emergency vehicles and~~  
26 ~~authorizes vehicle pursuits shall develop, adopt, promulgate, and~~  
27 ~~provide regular and periodic training for those peace officers in~~  
28 ~~accordance with the agency's pursuit policy that meets the~~  
29 ~~guideline requirements set forth in subdivision (c).~~

30 ~~(b) (1) A public agency employing peace officers that adopts~~  
31 ~~and promulgates a written policy on, and provides regular and~~  
32 ~~periodic training on an annual basis for, vehicular pursuits~~  
33 ~~complying with subdivisions (c) and (d) is immune from liability~~  
34 ~~for civil damages for personal injury to or death of any person or~~  
35 ~~damage to property resulting from the collision of a vehicle being~~  
36 ~~operated by an actual or suspected violator of the law who is~~  
37 ~~being, has been, or believes he or she is being or has been,~~  
38 ~~pursued by a peace officer employed by the public entity in a~~  
39 ~~motor vehicle.~~

~~(2) Promulgation of the written policy under paragraph (1) shall include, but is not limited to, a requirement that all peace officers of the public agency certify in writing that they have received and read the policy and understand the policy. The failure of an individual officer to sign a certification shall not be used to impose an individual officer's liability or a public entity's liability.~~

~~(e) A policy for the safe conduct of motor vehicle pursuits by peace officers shall meet all of the following minimum standards:~~

~~(1) Determine under what circumstances to initiate a pursuit. The policy shall define a "pursuit," articulate the reasons for which a pursuit is authorized, and identify the issues that should be considered in reaching the decision to pursue. It should also address the importance of protecting the public and balancing the known or reasonably suspected offense, and the apparent need for immediate capture against the risks to peace officers, innocent motorists, and others to protect the public.~~

~~(2) Determine the total number of law enforcement vehicles authorized to participate in a pursuit. Establish the authorized number of law enforcement units and supervisors who may be involved in a pursuit, describe the responsibility of each authorized unit and the role of each peace officer and supervisor, and specify if and when additional units are authorized.~~

~~(3) Determine the communication procedures to be followed during a pursuit. Specify pursuit coordination and control procedures and determine assignment of communications responsibility by unit and organizational entity.~~

~~(4) Determine the role of the supervisor in managing and controlling a pursuit. Supervisory responsibility shall include management and control of a pursuit, assessment of risk factors associated with a pursuit, and when to terminate a pursuit.~~

~~(5) Determine driving tactics and the circumstances under which the tactics may be appropriate.~~

~~(6) Determine authorized pursuit intervention tactics. Pursuit intervention tactics include, but are not limited to, blocking, ramming, boxing, and roadblock procedures. The policy shall specify under what circumstances and conditions each approved tactic is authorized to be used.~~

~~(7) Determine the factors to be considered by a peace officer and supervisor in determining speeds throughout a pursuit.~~

1 ~~Evaluation shall take into consideration public safety, peace~~  
2 ~~officer safety, and safety of the occupants in a fleeing vehicle.~~

3 ~~(8) Determine the role of air support, where available. Air~~  
4 ~~support shall include coordinating the activities of resources on~~  
5 ~~the ground, reporting on the progress of a pursuit, and providing~~  
6 ~~peace officers and supervisors with information to evaluate~~  
7 ~~whether or not to continue the pursuit.~~

8 ~~(9) Determine when to terminate or discontinue a pursuit.~~  
9 ~~Factors to be considered include, but are not limited to, all of the~~  
10 ~~following:~~

11 ~~(A) Ongoing evaluation of risk to the public or pursuing peace~~  
12 ~~officer.~~

13 ~~(B) The protection of the public, given the known or~~  
14 ~~reasonably suspected offense and apparent need for immediate~~  
15 ~~capture against the risks to the public and peace officers.~~

16 ~~(C) Vehicular or pedestrian traffic safety and volume.~~

17 ~~(D) Weather conditions.~~

18 ~~(E) Traffic conditions.~~

19 ~~(F) Speeds.~~

20 ~~(G) Availability of air support.~~

21 ~~(H) Procedures when an offender is identified and may be~~  
22 ~~apprehended at a later time or when the location of the pursuit~~  
23 ~~vehicle is no longer known.~~

24 ~~(10) Determine procedures for apprehending an offender~~  
25 ~~following a pursuit. Safety of the public and peace officers~~  
26 ~~during the law enforcement effort to capture an offender shall be~~  
27 ~~an important factor.~~

28 ~~(11) Determine effective coordination, management, and~~  
29 ~~control of interjurisdictional pursuits. The policy shall include,~~  
30 ~~but shall not be limited to, all of the following:~~

31 ~~(A) Supervisory control and management of a pursuit that~~  
32 ~~enters another jurisdiction.~~

33 ~~(B) Communications and notifications among the agencies~~  
34 ~~involved.~~

35 ~~(C) Involvement in another jurisdiction's pursuit.~~

36 ~~(D) Roles and responsibilities of units and coordination,~~  
37 ~~management, and control at the termination of an~~  
38 ~~interjurisdictional pursuit.~~

39 ~~(12) Reporting and postpursuit analysis as required by Section~~  
40 ~~14602.1. Establish the level and procedures of postpursuit~~

1 analysis, review, and feedback. Establish procedures for written  
2 postpursuit review and followup.

3 ~~(d) “Regular and periodic training” under this section means~~  
4 ~~annual training that shall include, at a minimum, coverage of~~  
5 ~~each of the subjects and elements set forth in subdivision (c) and~~  
6 ~~that shall comply, at a minimum, with the training guidelines~~  
7 ~~established pursuant to Section 13519.8 of the Penal Code.~~

8 ~~(e) The requirements of subdivision (c) represent minimum~~  
9 ~~policy standards and do not limit an agency from adopting~~  
10 ~~additional policy requirements. The requirements in subdivision~~  
11 ~~(c) are consistent with the 1995 California Law Enforcement~~  
12 ~~Vehicle Pursuit Guidelines developed by the Commission on~~  
13 ~~Peace Officer Standards and Training pursuant to Section~~  
14 ~~13519.8 of the Penal Code that will assist agencies in the~~  
15 ~~development of their pursuit policies. Nothing in this section~~  
16 ~~precludes the adoption of a policy that limits or restricts pursuit.~~

17 ~~(f) A determination of whether a public agency has complied~~  
18 ~~with subdivisions (c) and (d) is a question of law for the court.~~

19 *SEC. 10. Section 17004.7 of the Vehicle Code is amended to*  
20 *read:*

21 17004.7. (a) The immunity provided by this section is in  
22 addition to any other immunity provided by law. The adoption of  
23 a policy by a public agency pursuant to this section is  
24 discretionary.

25 (b) A public agency employing peace officers ~~which that~~  
26 adopts a written policy on vehicular pursuits complying with  
27 subdivision (c) is immune from liability for civil damages for  
28 personal injury to or death of any person or damage to property  
29 resulting from the collision of a vehicle being operated by an  
30 actual or suspected violator of the law who is being, has been, or  
31 believes he or she is being or has been, pursued *in a motor*  
32 *vehicle* by a peace officer employed by the public entity ~~in a~~  
33 ~~motor vehicle.~~

34 (c) If the public entity has adopted a policy for the safe  
35 conduct of vehicular pursuits by peace officers, it shall meet all  
36 of the following minimum standards:

37 (1) It provides that, if available, there be supervisory control of  
38 the pursuit.



1 (2) It provides procedures for designating the primary pursuit  
2 vehicle and for determining the total number of vehicles to be  
3 permitted to participate at one time in the pursuit.

4 (3) It provides procedures for coordinating operations with  
5 other jurisdictions.

6 (4) It provides guidelines for determining when the interests of  
7 public safety and effective law enforcement justify a vehicular  
8 pursuit and when a vehicular pursuit should not be initiated or  
9 should be terminated.

10 (d) A determination of whether a policy adopted pursuant to  
11 subdivision (c) complies with that subdivision is a question of  
12 law for the court.

13 (e) *This section shall become inoperative on July 1, 2007, and,*  
14 *as of January 1, 2008, is repealed, unless a later enacted statute*  
15 *that is enacted before January 1, 2008, deletes or extends the*  
16 *dates on which it becomes inoperative and is repealed.*

17 SEC. 11. Section 17004.7 is added to the Vehicle Code, to  
18 read:

19 17004.7. (a) *The immunity provided by this section is in*  
20 *addition to any other immunity provided by law. The adoption of*  
21 *a vehicle pursuit policy by a public agency pursuant to this*  
22 *section is discretionary.*

23 (b) (1) *A public agency employing peace officers that adopts*  
24 *and promulgates a written policy on, and provides regular and*  
25 *periodic training on an annual basis for, vehicular pursuits*  
26 *complying with subdivisions (c) and (d) is immune from liability*  
27 *for civil damages for personal injury to or death of any person or*  
28 *damage to property resulting from the collision of a vehicle*  
29 *being operated by an actual or suspected violator of the law who*  
30 *is being, has been, or believes he or she is being or has been,*  
31 *pursued in a motor vehicle by a peace officer employed by the*  
32 *public entity.*

33 (2) *Promulgation of the written policy under paragraph (1)*  
34 *shall include, but is not limited to, a requirement that all peace*  
35 *officers of the public agency certify in writing that they have*  
36 *received, read, and understand the policy. The failure of an*  
37 *individual officer to sign a certification shall not be used to*  
38 *impose liability on an individual officer or a public entity.*

39 (c) *A policy for the safe conduct of motor vehicle pursuits by*  
40 *peace officers shall meet all of the following minimum standards:*

1     (1) Determine under what circumstances to initiate a pursuit.  
2     The policy shall define a “pursuit,” articulate the reasons for  
3     which a pursuit is authorized, and identify the issues that should  
4     be considered in reaching the decision to pursue. It should also  
5     address the importance of protecting the public and balancing  
6     the known or reasonably suspected offense, and the apparent  
7     need for immediate capture against the risks to peace officers,  
8     innocent motorists, and others to protect the public.

9     (2) Determine the total number of law enforcement vehicles  
10    authorized to participate in a pursuit. Establish the authorized  
11    number of law enforcement units and supervisors who may be  
12    involved in a pursuit, describe the responsibility of each  
13    authorized unit and the role of each peace officer and supervisor,  
14    and specify if and when additional units are authorized.

15    (3) Determine the communication procedures to be followed  
16    during a pursuit. Specify pursuit coordination and control  
17    procedures and determine assignment of communications  
18    responsibility by unit and organizational entity.

19    (4) Determine the role of the supervisor in managing and  
20    controlling a pursuit. Supervisory responsibility shall include  
21    management and control of a pursuit, assessment of risk factors  
22    associated with a pursuit, and when to terminate a pursuit.

23    (5) Determine driving tactics and the circumstances under  
24    which the tactics may be appropriate.

25    (6) Determine authorized pursuit intervention tactics. Pursuit  
26    intervention tactics include, but are not limited to, blocking,  
27    ramming, boxing, and roadblock procedures. The policy shall  
28    specify under what circumstances and conditions each approved  
29    tactic is authorized to be used.

30    (7) Determine the factors to be considered by a peace officer  
31    and supervisor in determining speeds throughout a pursuit.  
32    Evaluation shall take into consideration public safety, peace  
33    officer safety, and safety of the occupants in a fleeing vehicle.

34    (8) Determine the role of air support, where available. Air  
35    support shall include coordinating the activities of resources on  
36    the ground, reporting on the progress of a pursuit, and providing  
37    peace officers and supervisors with information to evaluate  
38    whether or not to continue the pursuit.

1     (9) *Determine when to terminate or discontinue a pursuit.*  
2     *Factors to be considered include, but are not limited to, all of the*  
3     *following:*

4     (A) *Ongoing evaluation of risk to the public or pursuing peace*  
5     *officer.*

6     (B) *The protection of the public, given the known or*  
7     *reasonably suspected offense and apparent need for immediate*  
8     *capture against the risks to the public and peace officers.*

9     (C) *Vehicular or pedestrian traffic safety and volume.*

10    (D) *Weather conditions.*

11    (E) *Traffic conditions.*

12    (F) *Speeds.*

13    (G) *Availability of air support.*

14    (H) *Procedures when an offender is identified and may be*  
15    *apprehended at a later time or when the location of the pursuit*  
16    *vehicle is no longer known.*

17    (10) *Determine procedures for apprehending an offender*  
18    *following a pursuit. Safety of the public and peace officers during*  
19    *the law enforcement effort to capture an offender shall be an*  
20    *important factor.*

21    (11) *Determine effective coordination, management, and*  
22    *control of interjurisdictional pursuits. The policy shall include,*  
23    *but shall not be limited to, all of the following:*

24    (A) *Supervisory control and management of a pursuit that*  
25    *enters another jurisdiction.*

26    (B) *Communications and notifications among the agencies*  
27    *involved.*

28    (C) *Involvement in another jurisdiction's pursuit.*

29    (D) *Roles and responsibilities of units and coordination,*  
30    *management, and control at the termination of an*  
31    *interjurisdictional pursuit.*

32    (12) *Reporting and postpursuit analysis as required by Section*  
33    *14602.1. Establish the level and procedures of postpursuit*  
34    *analysis, review, and feedback. Establish procedures for written*  
35    *postpursuit review and followup.*

36    (d) *“Regular and periodic training” under this section means*  
37    *annual training that shall include, at a minimum, coverage of*  
38    *each of the subjects and elements set forth in subdivision (c) and*  
39    *that shall comply, at a minimum, with the training guidelines*  
40    *established pursuant to Section 13519.8 of the Penal Code.*

1     (e) *The requirements of subdivision (c) represent minimum*  
2 *policy standards and do not limit an agency from adopting*  
3 *additional policy requirements. The requirements in subdivision*  
4 *(c) are consistent with the 1995 California Law Enforcement*  
5 *Vehicle Pursuit Guidelines developed by the Commission on*  
6 *Peace Officer Standards and Training pursuant to Section*  
7 *13519.8 of the Penal Code that will assist agencies in the*  
8 *development of their pursuit policies. Nothing in this section*  
9 *precludes the adoption of a policy that limits or restricts pursuits.*

10    (f) *A determination of whether a public agency has complied*  
11 *with subdivisions (c) and (d) is a question of law for the court.*

12    (g) *This section shall become operative on July 1, 2007.*

13    ~~SEC. 11.~~

14    SEC. 12. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution for  
16 certain costs that may be incurred by a local agency or school  
17 district because, in that regard, this act creates a new crime or  
18 infraction, eliminates a crime or infraction, or changes the  
19 penalty for a crime or infraction, within the meaning of Section  
20 17556 of the Government Code, or changes the definition of a  
21 crime within the meaning of Section 6 of Article XIII B of the  
22 California Constitution.

23    However, if the Commission on State Mandates determines  
24 that this act contains other costs mandated by the state,  
25 reimbursement to local agencies and school districts for those  
26 costs shall be made pursuant to Part 7 (commencing with Section  
27 17500) of Division 4 of Title 2 of the Government Code.